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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,716	01/09/2002	Dan Bexten		7450
34055	7590	03/16/2004		
PERKINS COIE LLP POST OFFICE BOX 1208 SEATTLE, WA 98111-1208			EXAMINER STINSON, FRANKIE L	
			ART UNIT 1746	PAPER NUMBER

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/043,716

Applicant(s)

BEXTEN ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11, 14-18, 20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 13 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/10/2003
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8 are, drawn to a method for removing contaminants from flat media carriers, classified in class 134, subclass 26.
- II. Claims 9-11, 13-20, and 22-23 are, drawn to an apparatus for cleaning flat media carriers, classified in class 134, subclass 94.1.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another apparatus such as one without an array of nozzles, a control valve, and without a pressurized water source and without detergent source.

3. During a telephone conversation with MR. Ohriner on 02/24/04 a provisional election was made without traverse to prosecute the invention of Group II, claims 9-11, 13-20, and 22-23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-8 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9, 10, 14-16, 18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of Cole et al.

Re claims 9 and 16, Flynn discloses in an apparatus for cleaning articles comprising a rotor (B) rotatably mounted within a chamber (A); an array of nozzles (C) arranged to spray fluid onto the article on the rotor; a control valve (43) connected by a fluid line to one or more of the nozzles; a water inlet line (36) for providing water to the control valve; a detergent source (51, I); and a detergent injection line (unnumbered) connecting the detergent source to the control valve that differs from the claims only in the metering pump for metering detergent to the control valve at a controlled rate. The patent to Cole is cited disclosing in an apparatus for cleaning articles, a metering pump (137) for feeding detergent to a control valve (135) at a control rate. It therefore would have been obvious to one having ordinary skill in the art to modify the apparatus of Flynn, to include a metering pump as taught by Cole, for the purpose of controlling the amount of detergent provided to the cleaning apparatus. As for the cleaning flat media carriers, no patentable distinction is deemed to exist between the carrier as claimed and the article as taught by Flynn in that the body of the claims fails to recite any structure that would limit the apparatus for cleaning carrier only. This has been considered a statement of intended use. Re claim 10, Flynn discloses the housing surrounding the

chamber. Re claims 14 and 20, Flynn discloses the recirculation (via J, 50). Re claims 15 and 18, Flynn inherently discloses the control valve as a mixing control valve. Re claims 22 and 23, to employ one type of pump over another is deemed to be an obvious matter of design as per MPEP 2144.06, SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE. The pump as claimed and that as disclosed by Flynn, as proposedly modified, are deemed to be functional equivalents of each other.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of Cole et al. as applied to claim 9 above, and further in view of Lewis et al.

Claim 11 defines over Flynn only in the recitation of the booster pump. Lewis is cited disclosing the booster pump (106) as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Flynn, to include a booster pump as taught by Lewis, for the purpose of ensuring proper pressure in the lines for effective washing/cleaning.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view of Cole et al. as applied to claim 9 above, and further in view of Sajewski.

Claim 17 defines over Flynn only in the recitation of the flow meter. The patent Sajewski is cited disclosing in a washing apparatus (see fig. 13), a flow meter (30). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Flynn, to include a flow meter as taught by Sajewski, for the purpose of ascertaining the precise amount of water provided to the cleaning apparatus.

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9. Claims 13 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Wright, Nezworski, and Kerwin et al., note the mixing control valve.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached M-F from 5:30 a.m. to 2:00 p.m. and some Saturdays from 5:30 a.m. to 11:30 a.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to TECHNOLOGY CENTER 1700 (571) 272-1700.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact the TEAM LEADER Ms. Nicol Scott (571) 272-1045.

fls

  
FRANKIE L. STINSON  
Primary Examiner  
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